

REMARKS

The above amendments are made in response to the outstanding Non-final Office Action dated August 18, 2008. The Examiner's reconsideration is respectfully requested in view of the above amendments and the following remarks

Claims 1 and 10 have been amended to more clearly define the subject matter of the claimed invention. No new matter has been introduced by these amendments.

Claims 1-21 are pending in the present application.

Claim Rejections Under 35 U.S.C. § 102

Claims 1, 4-7 and 9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Harrison, et al. (U.S. Patent No. 6,466,278; hereinafter, "Harrison").

To anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Bariant, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988). "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the ...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 1 is independent and Claims 4-7 and 9 are dependent directly or indirectly from Claim 1.

Applicant has amended Claim 1 to more clearly define the subject matter of the claimed invention.

The amended Claim 1 reads as follows:

An in-wall type multi-functional television set embedded in a wall, comprising:
a main body including an accommodating part provided at a front side of the main body, an input part with a plurality of input keys provided at a side of the main body, a television signal receiving circuit for receiving and outputting a broadcast television signal, speakers for outputting an audio signal received from the television signal receiving circuit, and a controller for controlling the in-wall type multi-functional television set, wherein the main body is embedded into a wall;
a monitor, accommodated in and drawn out from the accommodating part of the main body to be protruded toward a user, for displaying the video signal received from the television signal receiving circuit; and
a connecting part having an end portion connected to the accommodating part and other end portion connected to the monitor (Emphasis added)

As above, the claimed invention is drawn to an in-wall type multi-functional television set *embedded in a wall*, and includes a main body having an accommodating part, a monitor accommodated in the accommodating part of the main body, and a connecting part connecting the monitor with the accommodating part of the main body. Further, *the main body having the accommodating part is embedded into a wall, and the monitor is structured to be accommodated in and drawn out from the accommodating part of the main body to be protruded toward a user.*

In the outstanding Office Action, the Examiner has asserted that Harrison discloses the claimed invention, stating "Harrison discloses an appliance showing a main body 82 including an accommodating part 177c, a plurality of input keys 28, a television signal receiving circuit 140, speakers (Figure 7), and a controller 164, a monitor 25, and a connecting part (Figure 11) having an end portion 270, 276 connected to the accommodating part and other end portion 250 connected to the monitor."

Applicant respectfully disagrees with the Examiner's discussion on the Harrison reference, in view of recitations in the amended Claim 1.

Harrison is directed to appliances designed to be mounted on the bottom of a structure such as an overhead cabinet system. In Harrison, however, as illustrated in Figs. 3 to 6 thereof, the appliance system 20 having a display screen 25 is designed to be attached to the bottom of an overhead structure such as an overhead cabinet. Further, as clearly shown in Figs. 5 and 6 of Harrison, the display screen 25 is structured to be folded up and down against the bottom of the

overhead cabinet, to which the entire appliance is attached. In contrast, Applicant's claimed main body *is embedded into a wall, not attached to the bottom of an overhead structure such as an overhead cabinet. Further, Applicant's claimed monitor is structured to be accommodated in and drawn out from the accommodating part of the main body to be protruded toward a user, not folded up and down against the bottom of an overhead structure.*

Applicant respectfully submit that Harrison fails to disclose Applicant's *main body embedded into a wall and having an accommodating part, and a monitor to be accommodated in and drawn out from the accommodating part of the main body to be protruded toward a user*, as recited in the amended Claim 1.

Therefore, the applicants respectfully submit that Harrison does not anticipate the applicant's claimed invention by failing to disclose or suggest all the elements and limitations in the amended Claim 1.

Claims 4-7 and 9 are also believed to be allowable by virtue of their direct or indirect dependency from Claim 1.

Applicant respectfully requests the Examiner to review these submissions and withdraw the rejection on Claims 1, 4-7 and 9 under 35 U.S.C. §102(b).

Claim Rejections Under 35 U.S.C. §103

Rejection on Claims 2, 3, 19, 11 and 16-18

Claims 2, 3, 10, 11 and 16-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Harrison in view of Carter, et al. (U.S. Patent Application Publication No. 2004/0155167; hereinafter, "Carter").

In order for an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art

must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996). See MPEP 2143.

Establishing a prima facie case of obviousness requires that all elements of the invention be disclosed in the prior art. *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). Further, even assuming that all elements of an invention are disclosed in the prior art, an Examiner cannot establish obviousness by locating references that describe various aspects of a patent applicant's invention without also providing evidence of the motivating force which would have impelled one skilled in the art to do what the patent applicant has done. *Ex parte Levengood*, 28 U.S.P.Q. 1300 (Bd. Pat. App. Int. 1993). The references, when viewed by themselves and not in retrospect, must suggest the invention. *In re Skill*, 187 U.S.P.Q. 481 (C.C.P.A. 1975).

Claims 2 and 3 are directly dependent from Claim 1.

Claim 10 is independent and Claims 11 and 16-18 are dependent directly or indirectly from Claim 1. Applicant has amended Claim 10 to more clearly define the subject matter of the claimed invention.

Regarding Claims 2 and 3, as discussed above in connection with the 102 rejection, the amended Claim 1 includes a *main body embedded into a wall and having an accommodating part, and a monitor to be accommodated in and drawn out from the accommodating part of the main body to be protruded toward a user*. However, Harrison fails to teach or suggest these claimed features, as recited in the amended Claim 1.

Carter is directed to a pendulum mount for supporting a display screen for a dental patient. However, Applicant submits that Carter, either alone or in combination with Harrison, does not teach or suggest a *main body embedded into a wall and having an accommodating part, and a monitor to be accommodated in and drawn out from the accommodating part of the main body to be protruded toward a user*, as recited in the amended Claim 1.

It is therefore submitted that neither Harrison nor Carter, either alone or in combination, teaches or suggests the subject matter claimed in the amended Claim 1, and thus *no suggestion or motivation* exists in the cited references. Accordingly, *prime facie* obviousness does not exist regarding the subject matter claimed in Claim 1 with respect to the cited references. Applicant respectfully submits that Claim 1 is now allowable.

Claims 2 and 3 are also believed to be allowable, by means of their direct dependency from Claim 1.

Regarding Claims 10, 11 and 16-18, the amended Claim 10 includes the following limitations:

a main body embedded into a wall, the main body including: an accommodating part formed in the front side of the main body,
a monitor accommodated in and drawn out from the accommodating part to be protruded toward a user

Thus, the above discussions on the Harrison and Carter references apply in the same manners.

It is therefore submitted that neither Harrison nor Carter, either alone or in combination, teaches or suggests the subject matter claimed in the amended Claim 10, and thus *no suggestion or motivation* exists in the cited references. Accordingly, *prime facie* obviousness does not exist regarding the subject matter claimed in Claim 10 with respect to the cited references. Applicant respectfully submits that Claim 10 is now allowable.

Claims 11 and 16-18 are also believed to be allowable, by means of their direct or indirect dependency from Claim 10.

Applicant respectfully requests the Examiner to review these submissions and withdraw the rejection on Claims 2, 3, 10, 11 and 16-18 under 35 U.S.C. §103(a).

Rejection on Claims 8, 12-15 and 19-21

Claims 8, 12-15 and 19-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Harrison.

Claim 8 is directly dependent from the amended independent Claim 1. Claims 12-15 and 19-21 are indirectly dependent from the amended independent Claim 10.

As discussed above, the amended Claims 1 and 10 includes *a main body embedded into a wall and having an accommodating part, and a monitor to be accommodated in and drawn out from the accommodating part of the main body to be protruded toward a user*. However, Harrison fails to teach or suggest these claimed features, as recited in the amended Claims 1 and 10.

It is therefore submitted that Harrison fails to teach or suggest the subject matter claimed in the amended Claims 1 and 10, and thus *no suggestion or motivation* exists in the cited reference. Accordingly, *prime facie* obviousness does not exist regarding the subject matter claimed in Claims 1 and 10 with respect to the cited reference. Applicant respectfully submits that Claims 1 and 10 is now allowable over Harrison.

Claim 8 and Claims 12-15 and 19-21 are also believed to be allowable, by virtue of their direct or indirect dependency from Claim 1 and 10, respectively.

Applicant respectfully requests the Examiner to review these submissions and withdraw the rejection on Claims 8, 12-15 and 19-21 under 35 U.S.C. §103(a).

Conclusion

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Reconsideration and subsequent allowance of this application are courteously requested.

If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicant's attorneys.

The Examiner is invited to contact Applicant's Attorneys at the below-listed telephone number with any questions or comments regarding this Response or otherwise concerning the present application.

Respectfully submitted,

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